



THE COMMITTEE ON ENERGY AND COMMERCE

INTERNAL MEMORANDUM

March 20, 2012

The Subcommittee on Commerce, Manufacturing and Trade will hold a hearing on “Motor Vehicle Safety Provisions in House and Senate Highway Bills” on Thursday, March 22, 2012, at 10:00 a.m. in room 2123 of the Rayburn House Office Building. Witnesses are by invitation only.

I. Witnesses

Three Panels of witnesses will testify before the Committee.

Panel I

The Honorable John Lewis
U.S. House of Representatives

Panel II

The Honorable David L. Strickland
Administrator
National Highway Transportation Safety Administration

Panel III

Mitch Bainwol
President and CEO
Alliance of Automobile Manufacturers

Peter Pantuso
President and CEO
American Bus Association

Michael Stanton
President and CEO
Global Automakers

The Honorable Joan Claybrook
Former NHTSA Administrator
Consumer Co-Chair
Advocates for Highway and Auto Safety

Victor Parra
President and CEO
United Motorcoach Association

Ami V. Gadhia
Senior Policy Counsel
Consumer’s Union, Policy &
Action from Consumer Report

II. Background

The purpose of this hearing is to learn the views of the Administration and other stakeholders considering the vehicle safety provisions included in the House and Senate highway bills.

Rule X of the House of Representatives provides the Energy and Commerce Committee's Subcommittee on Commerce, Manufacturing, and Trade with jurisdiction over motor vehicle safety. The Subcommittee's jurisdiction applies to the authorization and oversight of the National Highway Traffic Safety Administration (NHTSA) and its vehicle safety program and research.

In 1970, Congress tasked NHTSA with responsibilities previously fulfilled by the National Highway Safety Bureau. In addition to adopting and enforcing fuel economy standards, NHTSA is responsible for reducing traffic collisions and deaths and injuries that result from such crashes. NHTSA administers the National Traffic and Motor Vehicle Safety Act of 1966, the Highway Safety Act of 1966, and the Motor Vehicle Information and Cost Saving Act. NHTSA performs its duties through, among other things, research and development and issuing motor vehicle performance standards. Through its Office of Defects Investigations (ODI), NHTSA also conducts investigations of possible safety defects and has authority to order recalls when warranted. Programs intended to address driver behavior (e.g., speeding or driving under the influence) are administered through a separate NHTSA program funded primarily by the Highway Trust Fund, which falls outside the Committee's jurisdiction.

Recent History of Congressional Action on Safety Legislation

NHTSA was last authorized in a multi-year, stand-alone bill in the 109th Congress, SAFETEA-LU (Safe, Accountable, Flexible Efficient Transportation Equity Act – a Legacy for Users; P.L. 109-59), which expired in 2009. As with the other transportation programs with expired authorization, it has been subject to additional short term extensions, the most recent of which will expire on March 31, 2012.

SAFETEA-LU was predominantly a transportation spending bill but the legislation included a separate safety subtitle that contained a number of Congressional mandates. The law required NHTSA to conduct tire research, safety belt use technologies research, and conduct a study on vehicle back-over avoidance technology. The law also required NHTSA to initiate rulemakings for certain vehicle safety standards, including a vehicle rollover prevention and crash mitigation standard, a side impact crash protection standard, and an update to the existing power window standard.

Committee Action on Highway Safety Legislation

The Energy and Commerce Committee exercised jurisdiction over SAFETEA-LU, leading to the appointment of Committee members as conferees in the 109th Congress.

The Committee also acted on vehicle safety legislation in the 110th Congress when it reported the Cameron Gulbransen Kids Transportation Safety Act of 2007 (P.L. 110-189). That law requires NHTSA to promulgate a standard related to power windows and a standard to improve rearward visibility.

In the 111th Congress, the Committee considered H.R. 5381, legislation to require a number of new vehicle safety standards and grant additional authorities to NHTSA. The legislation was reported out of Committee but not considered by the House. The Senate Commerce Committee reported similar legislation, S. 3302, but it was not considered by the Senate. Both bills contained a number of provisions intended to address criticisms of NHTSA and its handling of the Toyota recalls of late 2009 and 2010; the bills also contained directed rulemakings for performance standards related to electronics and reports of unintended acceleration.

III. Vehicle Safety Legislation in the 112th Congress

House Legislation

Two bills related to motorcoach safety introduced in the 112th Congress have been referred to the Energy and Commerce Committee (as well as the Transportation Committee): H.R. 873, introduced by Mr. Lewis (GA), and H.R.1390, introduced by Mr. Shuster (PA) (also referred to Ways and Means and Small Business Committees). Both bills include a number of new safety standards intended to improve the safety of these larger vehicles and their passengers.

H.R. 7, the American Energy and Infrastructure Jobs Act, was introduced by Mr. Mica on January 31, 2012, to reauthorize transportation programs for five years. The Transportation Committee reported the legislation on February 13, 2012, and it is pending before the House. Section 6309 of H.R. 7 addresses motorcoach safety and includes legislative language similar to the text of H.R. 1390's language requiring new safety standards.

Senate Legislation

Senator Pryor introduced S. 1449 on July 29, 2011. The Senate Commerce Committee reported S. 1449 as amended on December 14, 2011. The legislation contains many provisions similar to S. 3302 reported by the Committee in the 111th Congress. Additionally, Senators Brown (OH) and Hutchison (TX) introduced S. 453, companion legislation to H.R. 873, which the Committee reported as amended on November 9, 2011.

Senator Boxer introduced S. 1813 on November 7, 2011, to reauthorize surface transportation programs for two years. Provisions of S. 1449 and S. 453 were included in the text of S. 1813, which passed the Senate on March 14, 2012, and is now pending in the House.

Please contact Brian McCullough, Gib Mullan, or Shannon Weinberg at (202) 225-2927 with any questions.